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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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JASON KALEIALOHA SIMPSON,

Plaintiff,

vs.

S. DEVORE, *et al.*,

Defendants.

Case No. 2:16-cv-02981-JCM-VCF

**ORDER**

MOTION REQUESTING THIS COURT TO ORDER  
PHOTOS AND VIDEO FROM OFFICER LINDA  
THEOBALD (ECF NO. 40)

Before the Court is Plaintiff Jason Simpson's Motion Requesting this Court to Order Photos and Video from Officer Linda Theobald. (ECF 40). For the reasons stated below, Plaintiff's motion is denied.

Plaintiff has filed a complaint against several Las Vegas Metropolitan Police Department officers regarding the circumstances of his arrest. (ECF No. 4). Plaintiff asserts footage of the arrest from Sun Coast Hotel & Casino shows Officer Theobald, one of the Defendants, taking video and/or pictures of the arrest. (ECF No. 40 at 1). Plaintiff asks the Court to order that photos or videos from Officer Theobald be turned into the Court. (*Id.* at 1-2). In response, Defendants argue that Plaintiff's motion is either a discovery request improperly filed with the Court or a premature motion to compel, as Plaintiff has not yet asked Officer Theobald for any pictures or video she took during the arrest. (ECF No. 41 at 2-3). Defendants also assert that Officer Theobald sent all material relevant to her defense that she had in her possession to Plaintiff on September 13, 2017 as part of Defendants' initial disclosures. (*Id.* at 4).

Under the local rules for the United States District Court of Nevada, discovery requests "must not be filed with the court." LR 26-8. "[A] party may move for an order compelling disclosure or discovery," but "[t]he motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without

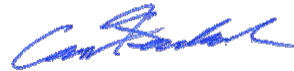
1 court action.” Fed. R. Civ. P. 37(a)(1). There is no evidence before the Court that Plaintiff has attempted  
2 to contact Defendants to ask for production of any pictures or videos taken by Officer Theobald. There is  
3 no basis for this Court to order production of any material at this time.

4 ACCORDINGLY, and for good cause shown,

5 IT IS HEREBY ORDERED that Plaintiff’s Motion Requesting this Court to Order Photos and  
6 Video from Officer Linda Theobald (ECF 40) is DENIED.

7 IT IS SO ORDERED.

8 DATED this 20th day of October, 2017.

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11 CAM FERENBACH  
12 UNITED STATES MAGISTRATE JUDGE  
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